

EXHIBIT I

MACCANI,)
Plaintiff,)
)
vs.)
)
CITY OF L.A.,)
)
Defendant.)
_____)

Transcription of tape-recorded interview of
Sergeant Jeffrey Punzalan,
by Detective II Caitlyn Cheng, Detective II Cecilia
Frausto, and Detective William Farish

Transcribed by:
Kristine Cardona

Job Number:
TP12471A

1 showed myself responding to the call.

2 While in route to the call, and again, assessing the
3 situation, heard another call back stating that the suspect
4 was still armed with a possible stick, and refusing to let a
5 business partner of the PR out of the location.

6 So, at that time I started forming a plan. Made sure
7 that when I arrived at scene there was going to be a less
8 lethal there. I had adequate resources, which I did, and
9 had a game plan before we made entry into the location.

10 When I arrived, I immediately observed the primary
11 unit, specifically Officer Rodriguez, had a beanbag slung
12 all ready, and Officer Chomuk with a .40mm ready to go.

13 I also observed two additional units already meeting
14 with the PR and was notified that this is possibly the wrong
15 address, and I made sure that we were updated to the right
16 location.

17 Prior to making contact with the suspect, I made sure
18 that we had the full story, got as much information from the
19 PRs as we did. At that point, the PR and the person that
20 was possibly inside was already -- we deemed safe with us on
21 the third floor.

22 The officers tried to get more information on what was
23 going on up there. We determined that what we had is a
24 possible trespass suspect, who also possibly has a mental
25 illness.

1 Determined that at that time, we were unsure if he was
2 still in the location, and we were unsure if he was still
3 armed with a stick.

4 So, prior to making a plan, I wanted to get a layout
5 of what we were getting into. So, I had information from
6 the PR stating that the layout to the fourth floor is the
7 same exact layout as the third floor.

8 I went over to the third floor, noticed there was a
9 long, tight hallway, and the studio that the PRs were in was
10 possibly on the far east side. Approximately a two-hundred-
11 foot hallway.

12 I'm briefing that to the team, then I start
13 designating roles. I got my contact cover officers,
14 assigned less lethal, which the .40 and the beanbag, and my
15 arrest team.

16 After formulating that plan -- the plan was to go up
17 there, don't make entry, get an advantage point in that
18 hallway, and call the suspect out.

19 Once everybody understood what the plan was, we went
20 ahead and proceeded. We walked towards the fourth floor,
21 and it was the exact same layout as I saw on the third
22 floor; tight hallway, long corridor, going in eastbound
23 direction.

24 I told the team, "Let's push up, try to get an
25 advantage point of the door because we don't know exactly

1 where it's at." So, we continued to move on. And once we
2 made contact with the door or observed the door, we held
3 approximately 30-40 feet from the entry and used the
4 southern wall as cover.

5 Immediately approaching the door, officers gave
6 commands -- well, attempted to call out. The suspect
7 immediately came out, slowly. Officers gave commands to
8 turn around. It appeared that the suspect was complying at
9 first. My arrest team, which was to my right, started
10 moving up.

11 At that point, suspect began to charge the officers.
12 I observed a .40mm and a beanbag get deployed, seeming
13 effective.

14 Then, I saw the suspect continue to have a sharp,
15 pointy object in his right hand, a stabbing motion toward
16 the officer to my left at that point.

17 The Suspect then was charging at them, turned his back
18 on me, and I took the opportunity at that time to overt high
19 use of force to grab his arm, control the suspect, and pin
20 him against the wall.

21 He kept struggling, so I took him down to the ground,
22 and handcuffs were placed by the officers.

23 At this time, while he was handcuffed, I was informed
24 that an OIS had occurred. I got up from the ground, pretty
25 much, regained my composure, tried to, you know, assess the

1 was the individual that you guys came into contact with,
2 what was he saying?

3 SERGEANT PUNZALAN: He was saying that a male --
4 didn't give a description -- said a male was up there --
5 went up there and asked them to leave.

6 At that point, I didn't hear him say that the male was
7 armed or anything, but he was acting erratic, and they were,
8 kind of, hinked up about what was going on. So, I
9 determined that at that point the male was probably
10 suffering from a mental illness.

11 DETECTIVE FRAUSTO: Okay and what was -- what made you
12 feel that the individual was suffering from a mental illness
13 based off of what was told to you?

14 SERGEANT PUNZALAN: That the suspect was acting
15 erratic, you know, he said that the way -- the motion that
16 the PR was doing with his hands, saying, you know, he was
17 just, kind of, off.

18 So, that made me believe that this guy -- and then not
19 knowing who the suspect is and the suspect just walking into
20 the door and opening it, and asking them all to leave.
21 That's what made me feel that he was either suffering from a
22 mental illness or possibly high off of narcotics.

23 DETECTIVE FRAUSTO: Okay. And at what point did you
24 -- at any point, did you realize that there was a crime that
25 had occurred?

1 where we were going to start at.

2 I brought that back to the team, I assigned the roles
3 of assignments and roles, and gave the plan of, you know,
4 "Hey, we're going to call this guy out, and then reassess
5 the situation from there."

6 DETECTIVE FRAUSTO: Okay. Can you tell me the
7 assignments of roles that you assigned on the third floor?

8 SERGEANT PUNZALAN: Yes. So, less lethal with the .40
9 specifically was Officer Chomuk. Less lethal beanbag was
10 Officer Rodriguez. My contact officer was Officer Orozco.
11 My two arrest teams were Officer Garcia and Officer
12 Quintero.

13 DETECTIVE FRAUSTO: Okay. And what was the plan --
14 after you made the assignments, you assigned everybody their
15 specific duties. What was the plan going up to the fourth
16 floor?

17 SERGEANT PUNZALAN: The plan was to slowly, you know,
18 go up there slowly, methodically. And to gain an advantage
19 point of where the studio was.

20 DETECTIVE FRAUSTO: Okay. Were there any additional
21 resources?

22 SERGEANT PUNZALAN: At that time, I had Officer Klimek
23 and his partner stand by with the PR to get the report
24 signed.

25 DETECTIVE FRAUSTO: Okay. So, now you have your --

1 it, but I didn't have a chance due to the suspect's actions.

2 DETECTIVE FRAUSTO: Okay. What was the time frame
3 from when the suspect exited the door frame, to when he
4 began to charge at the officers?

5 SERGEANT PUNZALAN: I would say approximately three to
6 four seconds.

7 DETECTIVE FRAUSTO: Three to four. Okay. And how
8 close did he come to the officers? If you can recall?

9 SERGEANT PUNZALAN: I don't recall.

10 DETECTIVE FRAUSTO: Okay. So, you saw him charge
11 towards the officers. What happened next?

12 SERGEANT PUNZALAN: So, he charged towards the
13 officers. I saw the .40mm and the beanbag deploy and had
14 affective effects on the suspect.

15 Right after that, I had a clear view of him charging
16 the officer to my left at that point, with a sharp pointy
17 object. And like I said earlier, while he was doing that,
18 he had his back towards me, and I took that opportunity to
19 grab him and pin him against the wall.

20 DETECTIVE FRAUSTO: Okay. When you saw the .40 and
21 the beanbag being deployed, did you see those rounds --
22 could you have seen those rounds hit the suspect?

23 SERGEANT PUNZALAN: No.

24 DETECTIVE FRAUSTO: No? Okay. At the time that you
25 decided to go hands-on, you got the opportunity, where did

1 DETECTIVE FRAUSTO: Okay.

2 SERGEANT PUNZALAN: Separated, after I determined that
3 were part of the shooting OIS and, just, separated them.

4 DETECTIVE FRAUSTO: Okay. And when you identified who
5 the shooter was, who was that individual?

6 SERGEANT PUNZALAN: Officer Garcia.

7 DETECTIVE FRAUSTO: Okay. And in your initial plan,
8 was Officer Garcia designated as lethal? When you were on
9 the third floor?

10 SERGEANT PUNZALAN: No. He was part of my arrest
11 team.

12 DETECTIVE FRAUSTO: He was part of that. Okay. And
13 you said that the suspect was armed with a sharp object?

14 SERGEANT PUNZALAN: That's what it appeared to be,
15 yeah.

16 DETECTIVE FRAUSTO: Okay. I'm just looking over my
17 notes real quick.

18 Okay. And then, at what point did you turn off your
19 body-worn video?

20 SERGEANT PUNZALAN: Once I felt like the scene was
21 under control and the IC had relieved me. That's when I
22 turned it off.

23 DETECTIVE FRAUSTO: Okay. And you said you requested
24 additional resources.

25 SERGEANT PUNZALAN: I did.

1 help clarify. When you came here today, prior to your
2 interview, how do you believe you got that injury?

3 SERGEANT PUNZALAN: I believe it was from sliding my
4 hand against the wall and being punctured by whatever the
5 suspect had when I took him down to the ground.

6 DETECTIVE FRAUSTO: Okay.

7 DETECTIVE FARISCH: I don't want to speak for you, but
8 do you have a different opinion about that now?

9 SERGEANT PUNZALAN: Well, now watching the body-worn
10 video, it could have been a graze wound from the OIS.

11 DETECTIVE FRAUSTO: Okay.

12 DETECTIVE FARISCH: And just, if I could add
13 something. Obviously, I'm a detective as well, but I'm
14 looking at your injuries and it does appear consistent with,
15 like, stippling --

16 SERGEANT PUNZALAN: Correct.

17 DETECTIVE FARISCH: -- along your hand that I think
18 you may have originally thought was something from a wall --

19 SERGEANT PUNZALAN: Correct.

20 DETECTIVE FARISCH: -- or stucco.

21 SERGEANT PUNZALAN: Stucco wall. From grazing it on
22 the stucco wall. I guess, scratching it on a stucco wall.

23 DETECTIVE FRAUSTO: Okay. When the suspect first came
24 out of the location, you said that he was complying?

25 SERGEANT PUNZALAN: It appeared he was complying, yes.

1 DETECTIVE CHENG: Okay. So, when you were aware of
2 this call, did you respond Code 2 or Code 3?

3 SERGEANT PUNZALAN: Code 3. But I didn't broadcast,
4 to not tie up the air.

5 DETECTIVE CHENG: Okay.

6 SERGEANT PUNZALAN: And like I said, I was like a
7 block away. So, I shut it down mid-block.

8 DETECTIVE CHENG: Uh-huh. And then you mentioned that
9 you went Code 6. Do you remember if you went Code 6 on the
10 air?

11 SERGEANT PUNZALAN: I went Code 6 over the air.

12 DETECTIVE CHENG: Okay. So, now we're at the point
13 when you guys were up the stairs on the third floor.

14 SERGEANT PUNZALAN: Uh-huh.

15 DETECTIVE CHENG: And you -- your team met with the
16 PR. He briefed you on the information, do you recall what
17 you -- independently recollect what he told you guys?

18 SERGEANT PUNZALAN: The PR?

19 DETECTIVE CHENG: Uh-huh.

20 SERGEANT PUNZALAN: Yeah. The guy was up there acting
21 erratic, asking these guys to leave, and specifically stated
22 that if he was still up there that he wanted him arrested
23 for trespassing.

24 DETECTIVE CHENG: Okay. And you mentioned something
25 that he did, some motion. Just for our record purposes,

1 what were those motions that he was doing?

2 SERGEANT PUNZALAN: I mean he had his hand up, like,
3 slightly.

4 DETECTIVE CHENG: And now you have both of your hands
5 up, at like, your head level.

6 SERGEANT PUNZALAN: Yeah.

7 DETECTIVE CHENG: And you're moving it around. That's
8 right?

9 SERGEANT PUNZALAN: Yeah.

10 DETECTIVE CHENG: Okay.

11 SERGEANT PUNZALAN: And then he was saying he's not -
12 - he didn't seem like he was in the right state of mind.
13 That's what I recall him saying.

14 DETECTIVE CHENG: And what did he say specifically
15 about that?

16 SERGEANT PUNZALAN: No. That's what he said.

17 DETECTIVE CHENG: That --

18 SERGEANT PUNZALAN: The guy seemed like he was not in
19 the right state of mind.

20 DETECTIVE CHENG: Uh-huh.

21 SERGEANT PUNZALAN: Yeah.

22 DETECTIVE CHENG: Did he mention anything about him
23 being under the influence --

24 SERGEANT PUNZALAN: Not at that time, no.

25 DETECTIVE CHENG: -- or anything like that?

1 SERGEANT PUNZALAN: No.

2 DETECTIVE CHENG: Okay. And at that time, with the
3 information he informed you on, what kind of crime do you
4 think that was?

5 SERGEANT PUNZALAN: At that time, it was a trespass
6 suspect.

7 DETECTIVE CHENG: Did you relay that information to
8 your team?

9 SERGEANT PUNZALAN: Yes.

10 DETECTIVE CHENG: And did you ensure that they heard?

11 SERGEANT PUNZALAN: Yes. I told them it was a
12 trespass suspect, and I directed a unit to stay by and get
13 that prior person (unintelligible.)

14 DETECTIVE CHENG: Okay. Is that when you assign
15 assignments to everybody on the team?

16 SERGEANT PUNZALAN: Right after that.

17 DETECTIVE CHENG: Okay.

18 SERGEANT PUNZALAN: Yeah.

19 DETECTIVE CHENG: Okay. So, you mentioned a .40,
20 beanbag, contact, and arrest team. Did you designate a
21 designated cover officer at that point?

22 SERGEANT PUNZALAN: So, when I said, "Contact cover,"
23 I meant the DCO.

24 DETECTIVE CHENG: Okay.

25 SERGEANT PUNZALAN: Yeah. So, Officer Orozco.

1 DETECTIVE CHENG: Orozco. Okay. So, he's actually
2 the designated --

3 SERGEANT PUNZALAN: Correct.

4 DETECTIVE CHENG: Okay.

5 SERGEANT PUNZALAN: Because he already -- at that
6 point, he was holding on to the door already. So, when I
7 told him that he was going to be, you know, contact, I
8 ultimately meant DCO on that one.

9 DETECTIVE CHENG: DCO for Officer Orozco?

10 SERGEANT PUNZALAN: Yeah.

11 DETECTIVE CHENG: So, now that you clarified that
12 --

13 SERGEANT PUNZALAN: Yeah.

14 DETECTIVE CHENG: -- who was supposed to be the
15 contact person for the suspect then?

16 SERGEANT PUNZALAN: It was going to be Officer
17 Hourigan.

18 DETECTIVE CHENG: Uh-huh.

19 SERGEANT PUNZALAN: Yeah. Who was the primary officer
20 at scene.

21 DETECTIVE CHENG: Okay. So, now your team is moving
22 up. We're on the fourth floor going down the hall.

23 SERGEANT PUNZALAN: Okay.

24 DETECTIVE CHENG: Were you able to hear anything from
25 the location?

1 DETECTIVE CHENG: And who was up on point?

2 SERGEANT PUNZALAN: Up on point was Officer Orozco.

3 DETECTIVE CHENG: And --

4 SERGEANT PUNZALAN: But like I said, when this
5 happened, how could I say this, we went up and everybody was
6 in their position. But when -- after less lethal was
7 deployed, the team kind of split to redeploy.

8 So, at that point, I just saw the suspect charging,
9 like I said, you know, aggressively advancing towards the
10 officer to my left, which I did not know who that was at
11 that moment.

12 DETECTIVE CHENG: Uh-huh.

13 SERGEANT PUNZALAN: But I saw an opportunity to grab
14 the suspect because he had his back towards me. So, that's
15 what I did.

16 DETECTIVE CHENG: Uh-huh.

17 SERGEANT PUNZALAN: I grabbed his hand where I saw the
18 pointy object to be to prevent a higher use of force. I
19 grabbed that hand, and immediately bear-hugged him and
20 pinned him against the wall.

21 DETECTIVE CHENG: Okay. Let's take it slow.

22 SERGEANT PUNZALAN: Okay.

23 DETECTIVE CHENG: We'll go back.

24 SERGEANT PUNZALAN: Okay.

25 DETECTIVE CHENG: So, the point when he was charging.

1 Right? You said --

2 SERGEANT PUNZALAN: Yeah.

3 DETECTIVE CHENG: -- he was advancing toward you.

4 SERGEANT PUNZALAN: Yeah.

5 DETECTIVE CHENG: You say Officer Orozco was first?

6 SERGEANT PUNZALAN: Yeah. He was point officer at
7 first.

8 DETECTIVE CHENG: And he was supposed to be the --

9 SERGEANT PUNZALAN: DCO.

10 DETECTIVE CHENG: -- he was assigned the designated
11 cover officer, right?

12 SERGEANT PUNZALAN: Correct.

13 DETECTIVE CHENG: And was he on with a handgun?

14 SERGEANT PUNZALAN: Handgun, yes.

15 DETECTIVE CHENG: And he was point?

16 SERGEANT PUNZALAN: And he was point, yes.

17 DETECTIVE CHENG: So, at that time, what did Officer
18 Orozco do when the suspect was advancing toward him?

19 SERGEANT PUNZALAN: I believe he -- I mean I don't
20 know what he did. I couldn't see that part.

21 DETECTIVE CHENG: Okay. And then, where were you in
22 position to the suspect? Was he in front of you? Or how
23 far away was he?

24 SERGEANT PUNZALAN: Yeah. He was in front of me.
25 Now, are we talking about initially? Like when he --

1 SERGEANT PUNZALAN: Uh-huh.

2 DETECTIVE CHENG: -- were you able to hear any other
3 sounds that went off?

4 SERGEANT PUNZALAN: No.

5 DETECTIVE CHENG: Did you know that a firearm went
6 off?

7 SERGEANT PUNZALAN: No.

8 DETECTIVE CHENG: Okay. So, right after the sounds,
9 we're at the point where you heard the two bangs. What
10 happened after that?

11 SERGEANT PUNZALAN: Officers were redeploying, which
12 left an opening towards myself and the officer to the left
13 of me.

14 At that time, that's when I observed the suspect
15 aggressively advancing with his hands up and a sharp object
16 in his right hand, towards that officer.

17 While he was doing that, his back was, for a short
18 time, facing toward me, and that's when I took the
19 opportunity to grab his right arm and, pretty much, place a
20 bear hug against him and pin him against the wall.

21 DETECTIVE CHENG: And let's back up a little bit.
22 We're going to take it step by step. So, he was facing you?

23 SERGEANT PUNZALAN: Correct. He was facing --

24 DETECTIVE CHENG: Coming towards the team?

25 SERGEANT PUNZALAN: Yeah.

1 DETECTIVE CHENG: And then how did he become, like,
2 how did his back face you guys?

3 SERGEANT PUNZALAN: He was going -- it appeared that
4 he was charging towards the officer to my left-hand side.
5 In front of me.

6 DETECTIVE CHENG: Okay. In front of you?

7 SERGEANT PUNZALAN: Yeah.

8 DETECTIVE CHENG: Was he able to grab that officer?

9 SERGEANT PUNZALAN: No.

10 DETECTIVE CHENG: Did you see any struggle between
11 anyone at that point?

12 SERGEANT PUNZALAN: At that point, no.

13 DETECTIVE CHENG: And then, how did he get turned
14 around?

15 SERGEANT PUNZALAN: As far as?

16 DETECTIVE CHENG: So, he's facing you.

17 SERGEANT PUNZALAN: Yeah. He's facing me --

18 DETECTIVE CHENG: Right. And then how did he -- his
19 back --

20 SERGEANT PUNZALAN: He just, like, faced towards that
21 officer.

22 DETECTIVE CHENG: Do you know how he moved?

23 SERGEANT PUNZALAN: I guess, turned to his right.
24 Yeah.

25 DETECTIVE CHENG: Was anyone else grabbing onto him?

1 SERGEANT PUNZALAN: At that point, I don't recall.

2 DETECTIVE CHENG: Okay. So, somehow, he got turned
3 around and now his back is facing you? Right?

4 SERGEANT PUNZALAN: Correct.

5 DETECTIVE CHENG: Okay. And how did he end up on the
6 ground at that point?

7 SERGEANT PUNZALAN: I took him down to the ground.

8 DETECTIVE CHENG: Okay. Was anyone else assisting you
9 at that point?

10 SERGEANT PUNZALAN: I don't recall.

11 DETECTIVE CHENG: Okay. And this is how you describe
12 -- you grab him from the back, and it's a bear hug?

13 SERGEANT PUNZALAN: Yeah. So, I grabbed him, right
14 hand, and then pretty much just clamped onto him, bear hug.
15 Pinned him against the wall, and then took him down to the
16 ground. That's what I recall.

17 DETECTIVE CHENG: Okay. And was anybody assisting you
18 with the handcuffing at this point?

19 SERGEANT PUNZALAN: Yes. There were two officers to
20 my right. I saw a whole bunch of handcuffs. So, I kind of,
21 like, told everybody to calm down. Just get the cuffs on
22 him. But I don't remember who put the actual handcuffs on
23 him.

24 DETECTIVE CHENG: Okay. And once he was handcuffed,
25 did you direct anybody to evaluate him for medical

1 treatment?

2 SERGEANT PUNZALAN: No. The officers did it on their
3 own.

4 DETECTIVE CHENG: Okay.

5 SERGEANT PUNZALAN: Immediately after handcuffing him.

6 DETECTIVE CHENG: Okay. Now, we're talking about the
7 assignments right before you guys went upstairs.

8 SERGEANT PUNZALAN: Okay.

9 DETECTIVE CHENG: Did you ever assign the PO I Garcia
10 as the designated cover officer?

11 SERGEANT PUNZALAN: No.

12 DETECTIVE CHENG: Okay. What was his job that you
13 assigned to him?

14 SERGEANT PUNZALAN: Arrest team.

15 DETECTIVE CHENG: And did you ensure that he
16 understood what his role was?

17 SERGEANT PUNZALAN: Yes. I told him during the
18 briefing, and he acknowledged by nodding his head.

19 DETECTIVE CHENG: Okay. When you guys were moving up,
20 was there any consideration for using a shield?

21 SERGEANT PUNZALAN: At that point, from what I had
22 -- the information I had, no. We did not consider a shield.

23 DETECTIVE CHENG: Okay. Right after the OIS and the
24 suspect was handcuffed, what methods did you use to identify
25 the shooter?

